

# AB Maui Quarries, LLC

636 Laumaka Street  
Honolulu, Hawaii 96819  
Telephone: (808) 842-4929  
Facsimile: (808) 841-8281

May 1, 2026

## VIA EMAIL TO

[planning@mauicounty.gov](mailto:planning@mauicounty.gov) and  
[jacky.takakura@co.maui.hi.us](mailto:jacky.takakura@co.maui.hi.us)



Ms. Jacky Takakura, Acting Director  
Planning Department, County of Maui  
One Main Plaza  
2200 Main Street, Suite 315  
Wailuku, Maui, Hawai'i 96793

Maui Planning Commission  
C/O Planning Department, County of Maui  
One Main Plaza  
2200 Main Street, Suite 315  
Wailuku, Maui, Hawai'i 96793

**Re: Cease and Desist – Unlawful Action on Property Belonging to AB Maui Quarries, LLC's, TMK (2) 3-8-004:001 (por.), Pu'unēnē, Island of Maui, Hawai'i (SP92-380) (CUP 2006/0002)**

Dear Director Takakura, Chairperson Ward, and members of the Maui Planning Commission,

AB Maui Quarries, LLC ("AB Maui") is the fee owner of that certain parcel of land identified as Tax Map Key ("TMK") No. (2) 3-8-004:001 (portion), which is currently subject to the Conditional Use Permit ("CUP") 2006/0002 and Special Permit ("SP") 92-380. AB Maui understands you are taking action regarding said property owned by AB Maui, without notice to and/or the consent of AB Maui, and such action improperly alters land use entitlements affecting AB Maui's Property. **Demand is hereby being made that you immediately cease and desist any and all such actions until proper notice is effectuated and AB Maui has been given opportunity to be heard.** In the alternative, we demand that you reject and return Hawaiian Cement's application as incomplete and unauthorized and take no further action on it. Finally, to the extent required demand is made that a contested case hearing be held, and AB Maui be allowed to appear in any and all further matters that involves any portion of AB Maui's Property. For the avoidance of doubt, this relates only to CUP 2006/0002 and SP92-380 and any action that would modify permits that affect AB Maui's Property only.

As you already know, Hawaiian Cement submitted an application to amend CUP 2006/0002 and SP92-380 without AB Maui's written authorization and without providing AB Maui—the actual landowner—any notice or meaningful opportunity to participate in any proceeding that directly affects AB Maui's property interest. This is a denial of due process and a direct infringement on AB Maui's fundamental property rights, because it prejudices AB Maui's ability to protect its property interests before decisions are made that could materially affect the use, value, and entitlements associated with AB Maui's land. As the sole fee simple owner of the property, AB Maui retains all right, title, and interests in the subject property and Hawaiian Cement failed to obtain our prior consent to any such amendment. Maui County Code Chapter 19.68 clearly requires that for any application "[w]here the applicant is not the legal owner of the subject property, a notarized document from the legal owner authorizing the application" and requires the applicant to "give notice of the application to those on record as the

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owners and lessees of real property located within five hundred feet of the real property . . . [b]y mailing a copy of the notice by certified or registered mail, return receipt requested, to all of those persons identified[.]” Similarly, Hawaii Administrative Rule (“HAR”) § 15-15-95 also requires that “if the person is not the owner or sole owner in fee simple of the land, the record shall include evidence that the person requesting the special permit has written authorization of all fee simple owners to file the petition, which authorization shall also include an acknowledgement that the owners and their successors shall be bound by the special permit and its conditions.” The onus is on the Maui Planning Commission and Maui Planning Department to ensure that these requirements are met prior to advancing any application. Intentional failure to do so is unlawful and a willful dereliction of duty.

Any decision by you is made pursuant to HAR § 15-15-91, which states, “Conditions imposed by the commission shall run with the land and shall be binding upon the petitioner and each and every subsequent owner, lessee, sub-lessee, transferee, grantee, assignee, or developer.” Failure to ensure that proper notice was made to affected owners undermines private property interest, due process, and the integrity of the permitting review process. AB Maui received no advance notice of the filing and no meaningful opportunity to address the application prior to submission. This is not a harmless technicality—this is the kind of omission that deprives the affected landowner of timely participation and frustrates the transparency expected of the permitting process. Where an applicant is not the fee owner of the property and cannot produce the required written landowner authorization, the County has no valid basis to accept or act upon the application as filed. Any agency action taken on an unauthorized application—especially one that can bind current and future owners since these condition “run with the land”—is beyond the Commission’s legal authority, and void and/or voidable as a matter of law, basic administrative fairness, and due process. Additionally, this Cease and Desist is being provided that should you proceed with any action relating to our property, we will pursue this matter in court and oppose any right you may have to qualified immunity or otherwise.

Because AB Maui’s fee ownership is a protected property interest, the County cannot process or entertain an application that seeks to alter entitlements affecting AB Maui’s land without providing AB Maui notice and a meaningful opportunity to be heard at a time when participation can matter. Proceeding otherwise constitutes a denial of fundamental fairness and procedural due process and would taint any resulting staff recommendation or Commission action.

AB Maui does not consent to any action that changes, extinguishes, re-defines, or otherwise impairs land use entitlements that run with (or have historically encumbered/benefited) AB Maui’s Property. As stated above, you are being directed to cease and desist further actions affecting our property without documented notice and express authorization from AB Maui Quarries, LLC. Please acknowledge receipt of this letter by close of business today and by Monday, May 4, 2026 provide a written statement detailing your position and/or course of action regarding AB Maui’s Property.

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Should you wish to discuss this matter further, please do not hesitate to contact me a (808) 842-4929 or by email at [maiu@nanhawaii.com](mailto:maiu@nanhawaii.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Micah Aiu".

Micah P. K. Aiu, Esq.  
General Counsel